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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/102,016	06/22/1998	SAMUEL H. CHRISTIE IV	03384.0236-0	1315

7590 01/14/2003

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EXAMINER

BOAKYE, ALEXANDER O

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/102,016	CHRISTIE, SAMUEL H.	
	Examiner	Art Unit	
	Alexander Boakye	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 October 2002.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 61-120 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 61-120 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

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Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 61-64, 66, 70, 71, 73, 76-79, 81, 85, 86, 88, 91-94, 96, 100-103, 106-111, 115-116 and 118 are rejected under 35 U.S.C. 102(e) as being anticipated by Rochkind et al. (US Patent # 6,496,501).

Regarding claims 61, 70, 73 , 76, 85, 88, 91, 100 , 106 and 115, Rochkind discloses: means for attempting to initiate a communications session from a calling part's communication device (Fig. 1 @ 180 ; column 4, lines 25-30; see Fig. 2A @ 205, 210 and 215) to a called party's communication device (Fig. 1 @ 170 ; column 4, lines 34-36) across a packet based

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network (Fig. 1 @ 130); Means for receiving a packet based indication that the attempted communications session was not completed (Fig. 2B @ 270 ; column 5, lines 54-61); receiving means (column 2, lines 35-38) for receiving at the calling party's communication device a message providing an indication of treatment (Fig. 2B @ 240 ; column 5, lines 20-25) corresponding to the attempted communication session; receiving means for receiving at the calling party's communications device (Fig. 1 @ 170) a packet based message providing an indication of a treatment (Fig. 2B @ 240) corresponding to the attempted communications session, wherein the message is presented to the calling party through the calling party's communications device (Fig. 1 @ 170).

As to claims 62, 63, 64, 71, 77, 78, 79 and 86, Rochkind teaches that the receiving means (Fig. 1 @ 160) includes means for receiving a cause value and address of the associated message (column 6, lines 56-62) corresponding to the attempted communications session.

As to claims 66 and 81, Rochkind teaches that the receiving means includes means for receiving the treatment with the message (Fig. 2B @ 280 ; column 5, lines 46-53 ; the claimed treatment corresponds to deny call and take message as shown in Fig. 2B).

As to claims 92, 93, 94, 101, 107, 108, 109 and 116, Rochkind teaches that the second receiving step includes means for receiving a cause value corresponding to call party identifier and an address of the associated message (column 6, lines 56-67) corresponding to the attempted communication session.

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As to claims 96, 103, 111 and 118, Rochkind teaches that the second receiving step includes the step of receiving the treatment with the message (column 5, lines 46-53).

Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 65, 67-69, 72, 74, 75, 80, 82-84, 87, 89, 90, 95, 97-99, 102, 104, 105, 110, 113, 114, 117, 119, and 120 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rochkind et al. (US Patent # 6,496,501) in view of Creswell et al (US Patent # 5,384,831).

Regarding claims 65, 72, 80, 87, 95, 102, 110 and 117, Rochkind teaches that the receiving means (Fig. 1 @ 160) includes means for receiving an address for accessing the message (column 6, lines 56-62). Rochkind fails to disclose an alternate language . However, Creswell discloses an alternate language (column 22, lines 67- column 23, lines 1-25). Therefore, it would have been obvious to one skilled in the art to combine Creswell's adjunct switch with Rochkind's communication network. The motivation would be to provide capability for the system to operate in different languages.

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As to claims 67, 82, 97,112 , Rochkind teaches that the receiving means (Fig. 1 @ 160) includes means for receiving the treatment (column 5, lines 62-67 ; see Fig. 2B @ 280 of Rochkind) and for caching the treatment for later retrieval.

As to claims 68, 74, 83, 89, 90, 98, 104, 113 and 119, Rochkind teaches that the receiving means includes means for receiving the indication of a particular version of the treatment (Fig. 2B @ 260 of Rochkind ; the claimed particular version of treatment reads on deny call and take message as indicated in Fig. 2B of Rochkind).

As to claims 69, 84 , 75, 99, 105, 114 and 120, Rochkind teaches that the receiving means includes means for receiving a multimedia version of the treatment (Fig. 2B @ 250, 260, 270 and 280 of Rochkind).

Response to Arguments

4. Applicant's arguments with respect to claims 61-120 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (703) 308-9554. The examiner can normally be reached on M-F from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rao Seema, can be reached on (703)308-5463. The fax number is (703) 872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-4750.

A. Boakye

AB

1/6/02

Seema S. Rao

S P E A U 2666

Date

Seema S. Rao

SEEMA S. RAO
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